

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-----------------------------|---|-----------------------------|
| IN RE: | : | CHAPTER 13 |
| GERALD E. KANE | : | |
| | : | |
| Debtor | : | BANKRUPTCY NO. 21-13401 MDC |
| <hr/> | | |
| TRUMAN 2021 SC9 Title Trust | : | |
| Movant | : | |
| GERALD E. KANE | : | |
| and KENNETH E. WEST | : | |
| Respondents | : | |

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF OF TRUMAN 2021 SC9 TITLE
TRUST et al**

Debtor, by and through Joseph F. Claffy, Esquire, his attorney, contests the Motion for Relief sought by Movant and in support thereof avers as follows:

1. Denied. Debtor has no knowledge of whether or not movant is in fact the proper party in interest and therefore must deny its right to standing demanding strict proof.

2. Denied. Strict production of originals of all alleged documents requested at trial.

3. Admitted.

4. Admitted.

5. Admitted.

6. Denied as stated. Debtor has been negotiating with movant for a loan modification and to facilitate such has been refraining from making payments which would conceivably cancel or hinder the process. The notion that co-debtor had any choice or involvement is denied. By way of further answer, movant is aware that debtor is presently pursuing a reverse mortgage due to his equity in the property. Strict proof demanded.

7. Debtor can neither confirm nor deny the allegation and therefore must deny same demanding strict proof thereof at time of trial.

8. Denied. Debtor has no knowledge of the computation of the figure alleged and therefore denies same, demanding strict proof at trial.

9. Denied. Debtor has no knowledge of the computation of the figure alleged and

therefore denies same, demanding strict proof at trial.

10. Denied as a conclusion of law and ultimate fact. By way of further answer, movant has pled no facts which would justify the abrogation of the Rule and movant enjoys a substantial equity cushion which prevents any lack of adequate protection.

11. Admitted to the extent the court finds the motion necessary.

12. Admitted.

WHEREFORE, respondent debtor requests that the court deny the motion.

Respectfully submitted:

/s/ Joseph F. Claffy
Joseph F. Claffy
Attorney for Debtor I.D. No. 35142
26 South Church Street
West Chester, PA 19382
610 429-0900